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For the Northern District of California

ROY L. MORRISON,

Plaintiff,

No. C 05-04351 JSW

v.

ATTORNEY GENERAL OF THE UNITED STATES DEPARTMENT OF JUSTICE ALBERTO GONZALES and THE FEDERAL BUREAU OF PRISONS and DOES 1-10, inclusive,

Defendants.

ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE

On July 11, 2005, Plaintiff filed the complaint in this action in the United States District Court for the Central District of California. On October 25, 2005, this Court received the case pursuant to a stipulation to transfer the matter to this district.

On December 23, 2005, Defendants filed a motion to dismiss and noticed that motion for a hearing on January 27, 2006. Pursuant to Northern District Civil Local Rule 7-3(a), Plaintiff's opposing brief would have been due on January 6, 2006. No such brief was filed. On January 13, 2006, Defendants filed their reply brief noting the lack of opposition to the motion. In addition to reiterating arguments raised in their motion, Defendants also set forth facts which suggest that Plaintiff has not been diligent in prosecuting this case.

Accordingly, PLAINTIFF IS HEREBY ORDERED TO SHOW CAUSE, in writing, why the case should not be dismissed for failure to prosecute. Plaintiff's response shall be due on January 20, 2006. Defendants may file a response on January 24, 2006. This matter shall

1 remain on the Court's January 27, 2006, law and motion calendar. If Plaintiff fails to comply
2 with this Order, the matter shall be dismissed.

3 **IT IS SO ORDERED.**

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5 Dated: January 13, 2006


6 JEFFREY S. WHITE
7 UNITED STATES DISTRICT JUDGE
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